

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

COPPER MOON COFFEE, LLC.)	CASE NO. 1:24-CV-01910
)	
Plaintiff,)	JUDGE BRIDGET MEEHAN BRENNAN
)	
v.)	
)	<u>DEFENDANT'S ANSWER TO</u>
ORLANDO COFFEE COMPANY, LLC)	<u>PLAINTIFF'S COMPLAINT</u>
dba THE COPPER MOON)	
Defendant.)	(Jury Demand Endorsed Hereon)

Now comes Defendant Orlando Coffee Company, LLC dba The Copper Moon, by and through attorney Paul Knott, and hereby submits his Answer to Plaintiff's Complaint states as follows:

1. Defendant denies Plaintiff's allegations of unauthorized use of the mark in connection with its business activities and denies the remaining allegations set forth in Paragraph 1 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

2. Defendant denies the allegations set forth in Paragraph 2 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

3. Defendant denies the allegations set forth in Paragraph 2 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

4. Plaintiff admits the allegations set forth in Paragraph 4 of the Complaint.

5. Defendant admits that it does business as “The Copper Moon” and denies the remaining allegations set forth in Paragraph 5 of the Complaint.

6. Defendant admits the allegations set forth in Paragraph 6 of the Complaint.

7. Defendant admits the allegations set forth in Paragraph 7 of the Complaint.

8. Defendant admits that this court has specific jurisdiction over Defendant and denies the remaining allegations set forth in Paragraph 8 of the Complaint.

9. Defendant admits that venue is proper and denies the allegations set forth in Paragraph 9 of the Complaint.

10. Defendant denies the allegations set forth in Paragraph 10 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

11. Defendant denies the allegations set forth in Paragraph 11 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

12. Defendant denies the allegations set forth in Paragraph 12 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

13. Defendant denies the allegations set forth in Paragraph 13 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

14. Defendant denies the allegations set forth in Paragraph 14 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

15. Defendant denies the allegations set forth in Paragraph 15 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

16. Defendant denies the allegations set forth in Paragraph 16 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

17. Defendant denies the allegations set forth in Paragraph 17 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

18. Defendant denies the allegations set forth in Paragraph 18 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

19. Defendant denies the allegations set forth in Paragraph 19 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

20. Defendant denies the allegations set forth in Paragraph 20 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

21. Defendant denies the allegations set forth in Paragraph 21 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

22. Defendant denies the allegations set forth in Paragraph 22 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

23. Defendant denies the allegations set forth in Paragraph 23 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

24. Defendant denies the allegations set forth in Paragraph 24 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

25. Defendant denies the allegations set forth in Paragraph 25 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

26. Defendant denies the allegations set forth in Paragraph 26 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

27. Paragraph 27 of the Complaint does not require an admission or denial as the Code speaks for itself.

28. Defendant denies the allegations set forth in Paragraph 28 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

29. Defendant denies the allegations set forth in Paragraph 29 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

30. Defendant denies the allegations set forth in Paragraph 30 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

31. Defendant denies the allegations set forth Paragraph 31 of the Complaint.

32. Defendant denies the allegations set forth in Paragraph 32 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

33. Defendant denies the allegations set forth in Paragraph 33 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

34. Defendant denies the allegations set forth in Paragraph 34 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

35. Defendant denies the allegations set forth in Paragraph 35 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

36. Defendant denies the allegations set forth in Paragraph 36 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

37. Defendant denies the allegations set forth in Paragraph 37 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

38. Defendant denies the allegations set forth in Paragraph 38 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

39. Defendant denies the allegations set forth in Paragraph 39 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

40. Defendant admits that it operates a business at 1127 Euclid Avenue, Suite 104, Cleveland, Ohio (hereinafter “the Premises”) and denies the remaining allegations set forth in Paragraph 40 of the Complaint.

41. Defendant admits that it operates a business named Copper Moon at the Premises and denies the remaining allegations set forth in Paragraph 41 of the Complaint.

42. Defendant admits the allegations set forth in Paragraph 42 of the Complaint.

43. Defendant admits the allegations set forth in Paragraph 43 of the Complaint.

44. Defendant denies the allegations set forth in Paragraph 44 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

45. Defendant denies the allegations set forth in Paragraph 45 of the Complaint.

46. Defendant denies the allegations set forth in Paragraph 46 of the Complaint.

47. Defendant denies the allegations set forth in Paragraph 47 of the Complaint.

48. Defendant denies the allegations set forth in Paragraph 48 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

49. Defendant denies the allegations set forth in Paragraph 49 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

50. Defendant denies the allegations set forth in Paragraph 50 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

51. Defendant denies the allegations set forth in Paragraph 51 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

52. Defendant denies the allegations set forth in Paragraph 52 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

53. Defendant denies the allegations set forth in Paragraph 53 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

54. Defendant denies the allegations set forth in Paragraph 54 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

55. Defendant denies the allegations set forth in Paragraph 55 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

56. Defendant denies the allegations set forth in Paragraph 56 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

57. Defendant denies the allegations set forth in Paragraph 57 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

58. Defendant denies the allegations set forth in Paragraph 58 of the Complaint.

59. Defendant denies the allegations set forth in Paragraph 59 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

60. Defendant denies the allegations set forth in Paragraph 60 of the Complaint.

61. Defendant denies the allegations set forth in Paragraph 61 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

62. Defendant denies the allegations set forth in Paragraph 62 of the Complaint.

63. Defendant admits that Plaintiff sent cease and desist letters and denies the remaining allegations set forth in Paragraph 63 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

64. Defendant denies that it did not respond to Plaintiff's cease and desist letters and denies the remaining allegations set forth in Paragraph 64 of the Complaint for want of knowledge sufficient to form a belief as to the truth of such allegations.

65. Defendant admits that it updated its Facebook Profile, but denies that it occurred subsequent to August 9, 2024 as set forth in Paragraph 64 of the Complaint.

66. Defendant denies the allegations set forth in Paragraph 66 of the Complaint.

67. Defendant denies the allegations set forth in Paragraph 67 of the Complaint.

68. Defendant denies the allegations set forth in Paragraph 68 of the Complaint.

69. Defendant restates the admissions and denials set forth above in response to Paragraph 69 of the Complaint.

70. Defendant denies the allegations set forth in Paragraph 70 of the Complaint.

71. Defendant denies the allegations set forth in Paragraph 71 of the Complaint.

72. Defendant denies the allegations set forth in Paragraph 72 of the Complaint.

73. Defendant denies the allegations set forth in Paragraph 73 of the Complaint.

74. Defendant denies the allegations set forth in Paragraph 74 of the Complaint.

75. Defendant denies the allegations set forth in Paragraph 75 of the Complaint.

76. Defendant restates the admissions and denials set forth above in response to Paragraph 76 of the Complaint.

77. Defendant denies the allegations set forth in Paragraph 77 of the Complaint.

78. Defendant denies the allegations set forth in Paragraph 78 of the Complaint.

79. Defendant denies the allegations set forth in Paragraph 79 of the Complaint.

80. Defendant denies the allegations set forth in Paragraph 80 of the Complaint.

81. Defendant denies the allegations set forth in Paragraph 81 of the Complaint.

82. Defendant denies the allegations set forth in Paragraph 82 of the Complaint.

83. Defendant denies the allegations set forth in Paragraph 83 of the Complaint.

84. Defendant restates the admissions and denials set forth above in response to Paragraph 8

85. Defendant denies the allegations set forth in Paragraph 85 of the Complaint.

86. Defendant denies the allegations set forth in Paragraph 86 of the Complaint.

87. Defendant denies the allegations set forth in Paragraph 87 of the Complaint.

88. Defendant denies the allegations set forth in Paragraph 88 of the Complaint.

89. Defendant denies the allegations set forth in Paragraph 89 of the Complaint.

90. Defendant denies the allegations set forth in Paragraph 90 of the Complaint.

91. Defendant denies each and every remaining allegation not expressly admitted herein

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state any claim against Defendants upon which relief may be granted;

2. Plaintiff's claim is barred by the statute of limitations;

3. Plaintiff's Complaint is barred by the doctrine of laches;

4. Plaintiff's Complaint is barred by the doctrine of estoppel;

5. Plaintiff's Complaint is barred by the doctrine of acquiescence;

6. Plaintiff's Complaint is barred by the doctrine of descriptive fair use;

7. Plaintiff's Complaint is barred by the doctrine of nominative use;

8. Plaintiff's Complaint is barred by the doctrine of no secondary meaning;

9. Plaintiff's Complaint is barred by the doctrine of no dilution;

10. Plaintiff's Complaint is barred by the doctrines of prior use and senior use;

11. Plaintiff's Complaint is barred by the doctrine of waiver;

12. Defendants reserve the right to raise additional affirmative defenses as may be established during discovery and by the evidence in this case.

Respectfully submitted,

/s/ Paul Knott

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Attorney for Defendant

JURY DEMAND

Defendant hereby requests a trial by Jury in the within matter.

/s/ Paul Knott

PAUL KNOTT - #0059727

Attorney for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent via electronic mail on this 16th day of January, 2025 on the following:

VIA EMAIL zschaengold@rkpt.com

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/s/ Paul Knott

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